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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

TRI4546P0161US

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Application Number

10/692,703

Filed

October 24, 2003

First Named Inventor

Joseph M. Koenig, Jr.

Art Unit

3723

Examiner

Maurina T. Rachuba

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the



applicant/inventor.



assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)



attorney or agent of record.

Registration number 24,103



attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 24,103



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January 4, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



Total of three forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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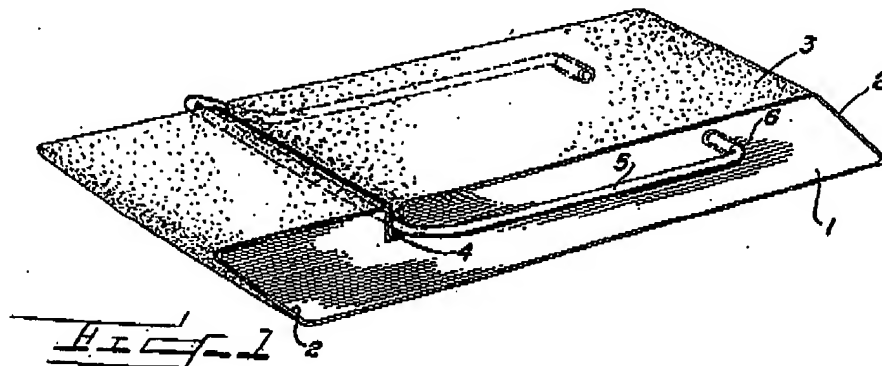
**Attachment to Pre-Appeal Brief Request for Review for
Application No. 10/682,703**

You are requested to withdraw the rejection of claim 1 and its dependent claims as being unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Kingman (US 2,386,900) in view of Hays (US 2,553,254). Claim 1, upon which the remaining claims depend, reads as follows:

1. A sanding block conforming, when viewed macroscopically before the sanding block becomes worn, substantially to a block having two expansive sides and two adjacent sides, wherein a given one of the expansive sides is abrasive, wherein the given one of the expansive sides has two opposite edges, at each of which one of the adjacent sides adjoins the given one of the expansive sides, wherein a given one of the opposite edges, when viewed macroscopically before the sanding block becomes worn, is a sharp edge, and wherein the other one of the opposite edges, when viewed macroscopically before the sanding block becomes worn, is a curved edge.

In the Office Action mailed July 20, 2004, the primary examiner acknowledged that Kingman does not disclose "that two opposing edges are curved, and [that] two opposing edges are sharp." The applicant submits, through the undersigned attorney, that Hays does not disclose the "sharp" edges required to satisfy the limitations of claim 1. In the Office Action mailed July 20, 2004, the "examiner's understanding that it is the size of the angle that determines the sharpness of the edge" is inapposite. When viewed macroscopically, if an edge is rounded, the edge is not sharp.

From Figure 1 of Hays, as reproduced below, it is evident that the upper left and lower right edges of the block, around which the sanding strip is wrapped, are rounded to a smaller radius and that the upper left and lower right edges of the sanding strip, which is wrapped around the block, are rounded to a larger radius. Clearly, therefore, the upper left and lower right edges of the sanding device of Hays are not sharp.



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Because the sanding device of Hays does not have the "sharp" edges required to satisfy the limitations of claim 1, the applicant submits, through the undersigned attorney, that no modification of the sanding device of Kingman in view of Hays would result in the sanding block being claimed and that, therefore, the rejection of claim 1 and its dependent claims under 35 U.S.C. § 103(a) as being unpatentable over Kingman in view of Hays should be withdrawn.

Respectfully submitted,

By Allen J. Hoover
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January 4, 2006